

Subpart A—General Information**§ 48.101 Purpose.**

The purpose of the Retired Serviceman's Family Protection Plan is to permit each member of the uniformed services to elect to receive a reduced amount of any retired pay which may be awarded him as a result of service in his uniformed service in order to provide an annuity payable after his death (while entitled to retired pay) to his widow, child, or children, subject to certain limitations specified in the law and elaborated in the regulations in this part.

§ 48.102 Definitions.

(a) The terms *Plan* or *RSFPP* as hereinafter used means the Retired Serviceman's Family Protection Plan (formerly called the Uniformed Services Contingency Option Act).

(b) The term *uniformed services* means the Army, Navy, Air Force, Marine Corps, Coast Guard, Commissioned Corps of Environmental Science Services Administration, and Commissioned Corps of Public Health Service.

(c) The term *member* means a commissioned officer, commissioned warrant officer, warrant officer, nurse, flight officer, or a person in an enlisted grade (including an aviation cadet) of any of the uniformed services, and a person in any of these categories who is entitled to or is in receipt of retired pay, except persons excluded in title 10, U.S. Code, section 1431(a), as amended.

(d) The term *widow* includes *widower* and refers to the lawful spouse of the member on the date of retirement with pay.

(e) The term *child* means, in all cases, a member's child, who is living on the date of retirement of the member with pay and who meets the following requirements:

(1) A legitimate child under 18 years of age and unmarried.

(2) A stepchild, under 18 years of age and unmarried, who is in fact dependent on the member for support (see paragraphs (f) and (g) of this section).

(3) A legally adopted child, under 18 years of age and unmarried.

(4) A child, as defined above, who is 18 or more years of age and unmarried, and who is incapable of self-support be-

cause of being mentally defective or physically incapacitated if that condition existed prior to reaching age 18.

(5) A child as defined above, who is at least 18, but under 23 years of age and unmarried, who is pursuing a full-time course of study or training in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution. (Applicable only in the case of members who retired on or after Nov. 1, 1968).

(6) A child loses his eligibility for an annuity under this part if he is adopted by a third person before the parent-member's death. His eligibility is not affected if he is adopted by a third person after the parent-member's death (36 Comp. Gen. 325).

(f) The term *stepchild* means a child of a member's spouse by a former marriage. The stepchild relationship terminates upon the divorce of the parent spouse, but not upon the death of the parent spouse.

(g) The term *in fact dependent* means that the stepchild must be dependent on the member for over half of his or her support.

(h) The term *retirement* means retirement with eligibility to receive retired pay.

(i) The term *retired pay* includes retired, retirement, equivalent and retainer pay awarded as a result of service in the uniformed services.

(j) The term *reduced retired pay* means the retired pay remaining after the cost of participation in RSFPP has been subtracted.

(k) The term *department concerned* means (1) the Department of the Army with respect to the Army, (2) the Department of the Navy with respect to the Navy and Marine Corps, (3) the Department of the Air Force with respect to the Air Force, (4) the Department of Transportation with respect to the Coast Guard, (5) the Department of Commerce with respect to the Environmental Science Services Administration, and (6) the Department of Health, Education, and Welfare with respect to the Public Health Service.

(l) The term *dependent* means the prospective annuitants described in paragraphs (d) and (e) of this section.